



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,499	06/14/2001	John W. Mason	56576.000	7773

7590 01/02/2003

DeWitt Ross & Stevens SC
Suite 401
8000 Excelsior Drive
Madison, WI 53717

EXAMINER

NI, SUHAN

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,499

Applicant(s)

MASON ET AL.

Examiner

Suhan Ni

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the application filed 6/14/01.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In line 9, the term "the unit" is not clear. Does it refer to "a speaker enclosure system" previously claimed? If so, the consistency should be remained. Otherwise, appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation of "appropriate dimension" in line 7 is indefinite, since it is not clear what is the limitation.

Regarding claim 24, it recites the limitation "the solder material " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2643

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Falco (US-5,115,884).

Regarding claim 1, Falco discloses a speaker enclosure system, comprising: a backbox (4-5) having a first upper surface, walls and a peripheral edge (Fig. 2); a grill (16) adapted to be attached to the backbox and to receive a speaker (8); and a sound baffle (1, 2) disposed between the backbox and the grill, wherein the sound baffle has a first opening for placement of the speaker and a second opening (10) for tuning of the speaker enclosure system as claimed.

Regarding claim 2, Falco further discloses the speaker enclosure system, wherein the grill is releasable attached to the backbox (Fig. 2).

Regarding claim 4, Falco further discloses the speaker enclosure system, wherein the backbox is in a concaved, molded, on-piece form (Fig. 4).

5. Claims 8-9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodsdon et al. (US-3,989,909).

Regarding claim 8, Hodsdon et al. disclose a speaker enclosure system, comprising: a backbox having a peripheral edge (Fig. 1); a grill (14) having a ventral and dorsal surfaces, a crimping edge (14) adapted to the peripheral edge of the backbox, and a speaker (31) affixed to the ventral surface of the grill; and a sound baffle sheet (25) adjacent the ventral surface of the grill and having an opening (16) for place of the speaker (Fig. 6) as claimed.

Regarding claim 9, Hodsdon et al. further discloses the speaker enclosure system, wherein the backbox is in a concaved, molded, on-piece form (Fig. 1 and col. 2, lines 38-65).

Regarding claim 14, Hodsdon et al. further discloses the speaker enclosure system, wherein the sound baffle sheet prevents sound waves produced by the speaker reentering into the speaker as claimed (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falco (US-5,115,884) in view of Hodsdon et al. (US-3,989,909).

Regarding claim 3, Falco does not clearly teach that the grill is adapted to attach to the backbox by a crimping edge as claimed. Hodsdon et al. disclose a similar speaker enclosure system, comprising a backbox, a speaker and a grill, the grill being adapted to attach to the backbox by a crimping edge (Figs. 2-3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a grill taught by Hodsdon et al. for the speaker enclosure system of Falco as an alternate choice, in order to provide better protection for the second opening and the system.

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falco (US-5,115,884).

Regarding claims 5-6, Falco does not clearly teach that the molded backbox is reinforced by fiberglass as claimed. Since providing reinforcement material for a molded plastic housing is

Art Unit: 2643

very well know in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any desirable reinforcement material, such as a fiberglass mesh for the enclosure or backbox as an alternate choice, in order to make the enclosure more durable, especially under some hazardous environment, such as under high temperature environment.

Regarding claim 7, Falco does not clearly teach that the molded backbox comprises material as claimed. Since providing a thermal resistant material for the enclosure or housing is very well know in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any suitable thermal resistant material, such as metal or some thermal resistant plastic for the enclosure or backbox as an alternate choice, in order to make the system fully functioning and more durable under high temperature environment.

8. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodsdon et al. (US-3,989,909).

Regarding claims 10-11, Hodsdon et al. do not clearly teach that the molded backbox is reinforced by fiberglass as claimed. Since providing reinforcement material for a molded plastic housing is very well know in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any desirable reinforcement material, such as a fiberglass mesh for the enclosure or backbox as an alternate choice, in order to make the enclosure more durable.

Regarding claims 12-13, Hodsdon et al. do not clearly teach that the molded backbox comprises material as claimed. Since providing a thermal resistant material for the enclosure or housing is very well know in the art, it therefore would have been obvious to one skilled in the

Art Unit: 2643

art at the time the invention was made to provide any suitable thermal resistant material, such as metal or some thermal resistant plastic for the enclosure or backbox as an alternate choice, in order to make the system fully functioning and more durable under high temperature environment or other hazardous operation environment.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is **(703)-308-9322**, and the number for fax machine is **(703)-305-9508**. The examiner can normally be reached on Monday through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is **(703) 305-3900**.

Suhan Ni


SUHAN NI
PATENT EXAMINER

12/28/2002